

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 05-30182-MAP

MICHELLE BEEBE,
Plaintiff,

v.

WILLIAMS COLLEGE,
Defendant.

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**THE PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S MOTION IN
LIMINE NO. 3 (TO PRECLUDE ANY JURY INSTRUCTION, ARGUMENT OR
EVIDENCE ON THE ISSUE OF CONSEQUENTIAL DAMAGES)**

The Plaintiff respectfully opposes the Defendant's Motion in Limine (No. 3) to preclude any jury instructions, argument or evidence on the issue of consequential damages.

Specifically, the Defendant requests that evidence regarding the following be excluded:

1. That as a result of her termination:
 - a. The Plaintiff needed to borrow additional funds, and withdraw retirement savings, etc... as a result of her termination.
 - b. The Plaintiff's physical and emotional health suffered.
2. The value of the tuition benefit (argued in a separate motion in limine).
3. The value of lost future wages (argued in a separate motion in limine).
4. Insurance co-payments on behalf of herself and her two children.

It is not necessary for the Court to rule generically about consequential damages at this time. It is enough to address the specific concerns that the Defendant has.

Regarding 1.a., above, the Plaintiff intends to offer the evidence of needing to borrow against a retirement account, taking out a home equity loan, etc... not for the purpose of seeking compensation. Indeed, the Plaintiff's economic expert does not include any amount in his calculation of monetary damages for the above items. The need to take these extraordinary actions, however, speaks to that fact that the Beebes took their economic situation seriously and took the actions that were necessary to meet the financial situation they found themselves in upon the loss of Ms. Beebe's job. It also speaks to the fact that alternative, comparable employment was not available in a reasonably close geographic area. Given the choice of raiding her retirement funds, or taking a comparable job, Ms. Beebe will testify that, obviously, she would have chosen the latter. That she raided the retirement account reflects the paucity of viable, comparable, alternative jobs.

Regarding 1.b., above, the Plaintiff intends to offer evidence that she suffered from depression after losing her job. This evidence is not offered for the purpose of obtaining compensation, but to explain that her job search did not begin right after she lost her job, in part, because of the depression.

Regarding 2. and 3., the Plaintiff has submitted and will rely on her oppositions to the related motions in limine.

Regarding 4., above, the Plaintiff represents to the Court that she is not seeking compensation for insurance co-payments.

The Plaintiff has no objection to the Court instructing the jury as to the limitations upon which the above described evidence may be use.

For these reasons, the Plaintiff respectfully requests this Court to deny the Defendant's Motion in Limine No. 3.

Respectfully submitted,
THE PLAINTIFF, MICHELLE BEEBE,
By her attorney,

Dated: July 12, 2007

/s/ Thomas J. McCormick
Thomas J. McCormick, BBO# 561760
Heisler, Feldman, McCormick
& Garrow, P.C.
1145 Main Street, Suite 508
Springfield, MA 01103
Ph. (413) 788-7988
Fax (413) 788-7996
tmccormick01060@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF).

/s/ Thomas J. McCormick
Thomas J. McCormick